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Press Release

July 28, 2003

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**ATTORNEY GENERAL DARRELL V. MCGRAW, JR.
URGES CONSUMERS TO FILE CLAIMS FOR PRESCRIPTION
DRUG REFUNDS IN ANTITRUST SETTLEMENTS**

- **BuSpar claims deadline October 10, 2003**
- **Taxol claims deadline November 14, 2003**
- **Cardizem claims deadline September 23, 2003**

Cash refunds will be available to consumers who file claims as a result of Attorney General Darrell V. McGraw's recent settlement of antitrust cases against major drug manufacturers. The claims process is now underway for West Virginians who purchased Cardizem CD, BuSpar and Taxol, widely prescribed prescription drugs.

"Prescription drugs should be made available to consumers at the lowest cost possible," said Attorney General McGraw. "One result of these settlements is that generic versions of brand-name drugs are now on the market, resulting in lower prices to consumers and state agencies," he said.

The three settlements are as follows:

Bristol Myers-Squibb Company, the manufacturer of BuSpar, reached separate settlement agreements with Attorney General McGraw and numerous other states. West Virginia and 34 other states and territories sued Bristol Myers-Squibb Company, Watson Pharma, Inc. and Danbury Pharmacal, Inc., alleging that the companies conspired to keep a generic form of BuSpar, buspirone, from entering the marketplace. By keeping the generic form of BuSpar off of the market, the states allege Bristol Myers-Squibb Company was able to keep the price of BuSpar unlawfully inflated. Bristol Myers also filed bogus information with federal agencies on the eve of generic entry into the marketplace.

The defendants have agreed to pay \$100 million to settle the matter. A portion of the funds will be used to compensate state agencies for overpayments made in connection with this drug. Approximately \$30 million is earmarked to pay consumers for overcharges they incurred when purchasing BuSpar or its generic equivalent, buspirone. Consumers who paid cash or had percentage-based co-pays are eligible to file a claim to recover their damages.

Consumers can obtain a claim form from the Attorney General's office by calling 1-800-368-8808 or from the BuSpar Antitrust Litigation Administrator at 1-877-867-6133 or by obtaining a claim form online at www.busparsettlement.com. The deadline for filing a claim in the BuSpar settlement is October 10, 2003. West Virginia expects to recover approximately \$500,000 on behalf of its state agencies and consumers.

The cancer fighting drug Taxol, used primarily for the treatment of ovarian and breast cancer, was the subject of a separate antitrust lawsuit against Bristol Myers-Squibb Company, its manufacturer. Again, Bristol Myers-Squibb Company was charged

with unlawfully blocking the entry of less expensive generic drugs into the marketplace by filing bogus statements with federal agencies, allowing the company to maintain artificially high prices for the drug. Bristol Myers-Squibb Company agreed to pay all of the states and U.S. territories a total of \$55 million to settle the claims. West Virginia expects to recover approximately \$250,000 on behalf of its state agencies and consumers.

Twelve million dollars of the \$55 million settlement is earmarked for direct distribution to consumers who have legitimate claims against Bristol Myers-Squibb Company for paying higher prices for Taxol than were reasonable under the circumstances. Consumers or representatives of deceased patients treated with the drug Taxol may file a claim for reimbursement related to their purchases of Taxol by obtaining a claim form from the Attorney General's Office at 1-800-368-8808, contacting the Taxol Settlement Administrator at 1-800-659-7609, or by obtaining a claim form online at www.taxolsettlement.com. The deadline for submitting claims in the Taxol settlement is November 14, 2003.

The manufacturer of Cardizem CD, Aventis Pharmaceuticals, Inc. and Andrx Corporation, the generic equivalent manufacturer, were charged with conspiring to keep the generic equivalent of Cardizem CD, diltiazem, off the market. Cardizem CD and its generic equivalents are widely prescribed heart drugs which relieve chest pains and angina. Attorney General McGraw and other states charged the companies with wrongdoing because, among other allegations, Aventis paid Andrx Corporation nearly \$90 million to keep its generic version of the heart medication off of the market.

Under the terms of the settlement for Cardizem CD, Aventis and Andrx will pay \$80 million into a fund to compensate state agencies, consumers and insurance companies. West Virginia anticipates receiving approximately \$200,000 from the Cardizem CD settlement as compensation for its state agencies and consumers.

Consumers can file a claim for reimbursement by September 23, 2003. A claim form can be obtained from the Attorney General's Office by calling 1-800-368-8808, by calling the Cardizem CD Settlement Administrator at 1-800-372-2406 or by obtaining a claim form online at www.cardizemsettlement.com.

"Eligible consumers who file claims with the three different claim administrators can recover some of their cash for their purchases of these drugs. All consumers need to do is file a claim," said Attorney General McGraw.

If consumers have questions, they should contact Attorney General McGraw's consumer hotline at 1-800-368-8808.

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